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Working Group on Contemporary Forms
of Slavery
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Item 5 (d) and (e) of the provisional agenda

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY, INCLUDING: FORCED LABOUR; EXPLOITATION AND TRAFFIC IN ALL ITS FORMS AFFECTING CHILDREN, INCLUDING THE PHENOMENON OF CHILD SOLDIERS, ILLEGAL TRAFFIC FOR THE PURPOSES OF ADOPTION AND ORGAN TRANSPLANTS

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INTERNATIONAL FEDERATION OF HUMAN RIGHTS

[Original: French]
[9 February 1993]

1. The International Federation of Human Rights (IFHR) wishes to draw the attention of the Working Group to violations of an essential provision of the Declaration on the Right to Development, namely article 6, paragraph 3, which stipulates: "States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights".

2. The practice of slave labour in Brazil is one such obstacle; its systematic and recurrent character is indicative of the failure to comply with the obligation deriving from article 6 of the Declaration and underscores the need for immediate action by the Government of Brazil, at all levels.

3. Slave labour (reduction to a slavery-like condition) in the rural areas of Brazil is not a recent practice. It has become routine since 1964, when the military attracted large firms to the Amazon region by a tax-exemption policy.

4. In recent years, despite the wind of democratic change, the practice has persisted in several regions, including the developed States of Brazil's south.

5. The practice of slave labour or forced labour in Brazil has already been denounced on several occasions in United Nations bodies: on 5 February 1992, in the Commission on Human Rights by the IFHR; in August 1992 in the Sub-Commission on Prevention of Discrimination and Protection of Minorities by the Anti-Slavery International for the Protection of Human Rights, and at every session of ILO since 1986.

6. In his capacity as the President of the Federal Bar Council of Brazil, Mr. Marcello Lavenere-Machado promoted, together with the Attorney-General of the Republic and various organizations, the Forum Against Rural Violence which has been meeting for two years at the headquarters of the Attorney-General's office and which is deeply involved in combating violence and impunity in rural areas. In view of the extreme gravity of slave labour in Brazil, the Forum decided in 1992 to give priority to combating that criminal practice.

7. Similarly, the Brazilian Bar Council, in conjunction with three non-governmental organizations, sits on a committee within the Council for the Defence of the Rights of the Human Person (CDDPH), an organ of the Ministry of Justice, which deals with the issue of violence in rural society and which has given priority to cases of slave labour. However, this activity carried out with State agencies has merely succeeded in drawing the attention of the highest official spheres to the situation and in demonstrating the sluggishness and ineffectiveness of the authorities in eliminating such practices.

8. This modern form of slavery follows the following pattern: the fazendeiros (owners of large estates) or agricultural enterprises request gatos (small-scale labour sub-contractors), to recruit landless agricultural

labourers, frequently in another State, with the promise of good wages and working conditions. As a rule, the promise merely serves as bait. Inside the estates, the labourers are subjected to every form of violence: their food is barely sufficient to allow them to survive; their working conditions are inhuman, their accommodation extremely unsatisfactory (they are even occasionally housed among pigs); the workers are exposed to disease, threats, humiliation, corporal punishment ...; the groups are isolated to prevent them from communicating with one another; it is not uncommon for the men to be locked in at night in sheds under surveillance by armed guard; they are tied to a system of perpetual debt with the result that they never receive any wages. If they attempt to escape, some of them are murdered, others imprisoned or beaten.

9. The Pastoral Land Commission (CPT), which is linked to the Catholic Church, has in recent years recorded and denounced the growing number of victims of this criminal practice:

1988:	2,199
1989:	507
1990:	1,599
1991:	4,883
1992:	13,976

However, the only information on these cases of slave labour is provided by those who escape and summon up the courage to denounce the practices: as a result, only the tip of the iceberg is visible. The actual situation is far worse.

10. The Federal Government has so far neglected to punish the cases reported or to take the requisite preventive measures.

11. Telling evidence of this is the request made by the CPT in 1992, in numerous letters, to the Federal Attorney-General's Office and to Pará State Federal Police headquarters for information concerning the suppression of 32 cases of collective slave labour of groups of people in southern Pará, between 1983 and 1991, and involving over 1,000 rural workers. The replies by the Federal Police and the Federal Attorney-General's Office, dated 14 July 1992 provided the following information:

(a) No information was given on 18 cases, although it has been proved that several cases were reported to the Federal Police and investigations had been initiated;

(b) Nine police investigations were initiated, six of which have not been completed, although four of the cases were reported between 1987 and 1990 and Brazilian law stipulates that an investigation must be completed within 30 days;

(c) In two of the three cases of completed investigations and of proceedings under way before the Federal courts, neither the managers, the owners or the main labour sub-contractors have been heard, despite having been named as accessories in the victims' statements;

(d) Recently, at the end of January, the Ministry of Labour of the new Federal Government discovered and denounced a case of slave labour in the

commune of Cidreira, Rio Grande do Sul, and, for the first time, the owner of the firm involved was arrested pursuant to a judicial decision.

12. Four other examples clearly demonstrate the omission and responsibility of official agencies of the previous Brazilian Government and the Federal Police.

13. On 23 October 1989, the National Secretary of the CPT informed the Ministry of Justice of the case of the Espirito Santo Fazenda, Xinguara commune, Pará where 60 workers were being held in conditions of slave labour and where people had been killed and wounded. The Federal Police went to the spot, established the facts and opened an investigation (IPL No. 004/90). However, on 13 August 1992 the Regional Coordinator for the Federal Police informed the Attorney-General of the Republic that the investigation was still at the examination stage, although it should have been completed within 30 days.

14. In the case of the São Luiz Fazenda, Conceiçao do Araguaia commune, Pará, where 72 workers were being held in conditions of slave labour, the Federal Police was asked on four occasions between 16 April and 3 June 1990 to take the necessary measures. On 25 April 1990, the Attorney-General of the Republic ordered an investigation. On 3 June 1990, the judge of Conceiçao do Araguaia informed the Federal Police Superintendent and requested that the necessary steps should be taken. Nevertheless, the Federal Police informed CPT, by telex, that it had not been possible to launch a police operation because of the lack of resources. On 14 July 1992, in reply to the requests for information made by the Federal Attorney-General's Office about the investigations into 32 cases of slave labour, the Federal Police provided no information on the São Luiz Fazenda.

15. In the case of the do Silva Fazenda, Maraba commune, Pará, where 20 workers were being held in conditions of slave labour, the Federal Police representative twice requested the Federal Police Superintendent in Belem to provide the necessary resources to complete the investigations and was told that they were not available. In a memorandum dated 22 August 1991, Superintendent Sidney José Seixas complained of the lack of resources to cover the huge area comprising his region and concluded with these revealing words: "It is impossible for us to conceal our deep unease and feeling of powerlessness in performing our task".

16. In the case of the Guatambu Fazenda, Bocaiuva do Sul, Paraná State, on 13 September 1984, ten minors were recruited to clear and replant woodland at Ponta Grossa. They were in fact misled and taken to Bocaiuva do Sul where they were kept for a fortnight and held in conditions of slave labour. The police investigation, which began on 15 January 1985, requested that charges should be brought against the two labour subcontractors, although articles 147 and 197 of the Brazilian Penal Code were erroneously cited as the basis for the charge. The investigation continued until 31 July 1989 and was finally filed in 1990, after 91 months, on the grounds of limitation of action. None of those responsible was punished, although the author of the complaint, the CPT, is being prosecuted for defamation. When criminal trials take place, charges are only brought against the hired killers and small-scale labour sub-contractors. The big landowners who benefit from these unlawful practices never feel the weight of the law.

17. Although the Brazilian Penal Code stipulates that reducing someone to a slavery-like condition is a crime, the practice continues to grow on account of the total immunity that prevails. Nevertheless, in 1966 Brazil ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. The legal means are thus available, but the political will is conspicuously lacking.

18. The existence of slave labour in Brazil merely corroborates the extreme concentration of land-ownership in Brazil, one of the world's largest countries. Six million landless peasants are waiting for land reform to be carried through, or at least begun. The large landowners, who leave vast areas of arable land uncultivated, are a political force powerful enough to have so far prevented the implementation of land reform. Moreover, the 60 million Brazilians who live in absolute poverty are only the natural consequence of the policy imposed on Brazil by the international financial institutions. Brazil's debt to those institutions and the policy of economic recession they impose on Brazil has become the main cause of what amounts to social apartheid in Brazil.

FRIENDS WORLD COMMITTEE FOR CONSULTATION

[Original: English]
[26 November 1992]

1. A lesser-known aspect of the twentieth century practice of recruiting children as soldiers is the use of orphans for war. Orphans have no parents to defend their childhood, to explain the wars, to bind their wounds. The orphans created by war are used by some States and some enemies to perpetuate war. Why have so few voices cried out against their fate?

2. The use of orphans as child soldiers is no new phenomenon. History contains records of children being used to further dictatorial design, to save communal moneys and to avert hunger. During the wars of Napoleon, many youth under the usual age of recruitment were incorporated into the French army. Among them were children from orphanages. In England, too, in the nineteenth century, the records of the poor law officials and public and private orphanages show that the early entry of boys into the armed services could put an end to their being a financial burden to the community. Even to the boys the army life sometimes appeared preferable to the daily routine of an orphanage. In fact, to become a boy soldier at any early age was often the best hope for an orphan boy. Later, in the twentieth century just after the Second World War boys banded together in Greece to escape starvation in the civil war. Thousands of children, abandoned and orphaned, formed the core of an army cornered at Gramnos.

3. The circumstances under which child orphans have recently taken part in war have ranged from protective care to the height of cruelty. In Afghanistan, among the Mujahidin, orphaned boys go voluntarily with the brothers or uncles to war; and their entry into the fighting forces is gradual -training then scouting and supporting the military and then fighting. In Uganda (1983-1986), the children who wandered in the bush after their villages were attacked and their parents killed were cared for in small numbers by the soldiers of the National Resistance Army. As the operations of the enemy intensified and threatened the remote camps where the orphans were

held, a decision was taken to disperse the children and give them basic defence training to reduce risks. NRA officers "adopted" these children and looked after their food, clothing and shelter.

4. Many children came to the National Resistance Army after they had seen their parents and relatives killed. Dagala's father was killed by the Acholi, and since they seemed to be takirg the lives of all in their path, the boy thought he had to join the army for protection. Bege, age 12, explained:

> "But don't you see? It was too much! We had no choice. They would come and take your mother and your sister and loot your property and make you carry it for them wherever they were going ... . We saw there was no way out. They were hunting down young men like us ... . If I stayed home, I would be killed. I decided to stay alive and help my brother survive."

5. Most of the 3,000 child soldiers with the National Resistance Army were war orphans. They helped with camp chores and carried guns for the soldiers; then many of the boys joined the scouts and the fighters. Some of them went along with the maquis to open a new front in the western part of the country. Later, some of the orphans with automatic weapons manned the guardposts across Uganda. Ugandans maintained that the children were not sacrificed uselessly in the war, and they were not sent to commit horrific acts. They looked to the army and the State as surrogate parents.

6. When the civil war started in Liberia, many children were displaced and their parents killed. They seemed to have no choice but to follow the soldiers, for they had no place to go and nobody to look after them. The National Patriotic Front of Liberia decided to look after them. A few orphans joined the Iranian army during the war with Iraq (1980-1988) because they had nowhere else to go.

7. Several warring movements and political organizations have taken orphans for military training to be followed by military service. In Cambodia, the Khmer People's National Liberation Front had a military infrastructure which included a pre-cadet school at the military headquarters in north-western Cambodia. Orphans aged 10 to 14 wore uniforms and had daily drills. In various places Palestinian orphans were given rigorous training. In Lebanon the two-week camps of the National Syrian Party in the hills of Lebanon brought together children aged 7 to 15 for vacations. Many were orphans, the children of fighters killed in battle. The rest of the year, many lived in deserted houses along the Green Line in Beirut.

8. Some of the children in the Palestinian training camps in the Libyan Arab Jamahiriya have no family, no home and no homeland. They feel there is nothing left to do except fight. Some have grown up with hunger in their bones, and they have seen no future in the refugee camps. They wondered if there was a place for Palestinians among the Arab nations.

9. The fall of the Ethiopian leader Colonel Mengistu, left the Sudan People's Liberation Army without a sanctuary, for the new regime forced hundreds of thousands of Sudanese refugees to leave their camps in Ethiopia and go back to the Sudan. Until they were taken to Kenya, many of the war orphans lived in a vast Children's Republic. Rumours flew that they were

being trained by Col. John Gareng for the Army of Liberation, but now it seems likely that these boys were not given military training, but that other boys were being trained at an army base.

10. In the pilot school of the Eritrean People's Liberation Front, more than 3,000 children aged 7 to 15 were grouped in a single valley until the bombings of 1984. Children of nomads, refugees and orphans lived in age groups of 100. They studied, played and ate under the supervision of three or four teacher-soldiers and 15 health workers. They were given some military instruction, but emphasis was placed on preparing to lead their country when it became independent.

11. A darker side of the picture exists in the situations where orphans are forced to do military service. In Cambodia, the Khmer People's Liberation Front has seized orphaned peasant boys and impressed them into its army. Thousands of illegitimate children of United States soldiers were abandoned soon after their birth to Vietnamese mothers. Many have been fed and clothed by charitable organizations. They have grown up in the streets and have learned ways to make a living as porters, errand runners, ragmen and salesmen. When Viet Nam had an army of occupation in Cambodia from 1979 to 1989, these "half-breeds" were enrolled by force into the army. They met horrors, for many had to kill or be killed by the youth of the Khmer Rouge who formed one of the armies of the Resistance.

12. Probably the worst situation has been in the civil war in Mozambique (1976-present). Two hundred thousand orphans survive in the bush. Some boys whose families have been killed live in constant anxiety because the governmental army cannot protect them. They feel their chances for survival would be better if they had guns. But the worst fate is for a boy to fall into the hands of one of the small bands of Renamo. These children have seen their parents killed by Renamo soldiers, or they have been forced to kill their own parents. The orphans of Renamo have been assigned terrible tasks: to kill prisoners of war, to kill the only medical personnel in a given region, to take children captive and make more child soldiers out of them.

13. Among the thousands of Iranian boy prisoners of war in Iraq were a few orphans. When the Government of Iraq was negotiating for the return of the boy prisoners and their families, one orphan soldier asked to be taken away from the camp. He had no family with whom to be reunited, and he thought it better to lead a normal life as a refugee than to wait out the war in a camp.

14. Wounded orphans are not given special treatment, but neither are they discriminated against, as far as is known. In El Salvador, Fredy of the Angels joined the guerrillas upon the death of his parents. He generally fought in the area controlled by the guerrillas but was sometimes in the war zone. He was wounded when a mine exploded in a corn field. The delegate of the provincial Red Cross traversed the front lines and evacuated Fredy to a civil hospital in the eastern zone. He had an authorization "for humanitarian reasons" signed by a general of the Armed Forces. After interrogation by the National Police, he was declared not to be a terrorist. When he left the hospital, no one knew what to do with him, for wounded guerrillas could no longer stay in the church shelter. He had no identity papers. He was too old for an orphanage. Finally the Red Cross discovered that the Swedes would give him political asylum.

15. As for rehabilitation, there are usually no veteran's benefits for orphans or other child soldiers. In Uganda, the reintegration of the orphan soldiers into the school system has been difficult, for the child soldiers have had such different experiences from others in their age groups. While some have gone on to public school, many have gone to special schools set up by the Government to offer both general and military education. One of the directors of the school at Mbarara has said: "We teach both military science and political education so they will remember why they fought. But we also teach them that handling a gun is not the whole of life."

16. In a country such as Mozambique where tens of thousands of children live in overcrowded orphanages, the provision of food and clothing and medicine has been the first step in caring for the former soldiers. Many of the children need help in relocating lost family members, so a family tracing service has been set up. The search for relatives scattered in a nation as large and as troubled as Mozambique is difficult. The International Save the Children Alliance not only traces relatives but recruits foster parents.

17. Where the psychological scars of ex-child soldiers are profound, the Government and the non-governmental organizations and world organizations like United Nations Children's Fund are all involved in the detraumatization of children.

18. At the orphanage at Lhangerene different methods are being developed to help the boys get rid of the flashbacks that come to haunt them at unexpected moments. Boys are guided through the psychological turmoil that accompanies an effort to leave a world in which killing is sanctioned and re-enter a world in which killing is again condemned. At the orphanage the boys help each other. If one boy awakens from a nightmare with his fist clenched, another ex-soldier may calm him until the fingers are free. If Franisse starts fighting because of the anger which fills him when he remembers his mother's head impaled upon a fence post, his teacher may help him to conquer anger through song and dance which get the story out of him so that his fears may be tackled more objectively.

19. Sometimes the political indoctrination and experience of child soldiers makes them unfit for certain tasks. In Cambodia from 1975 onwards, when the revolution replaced the family for many youth in the Khmer Rouge, the ex-child soldiers who had trained in the jungle, and slogged in the mud to capture the capital, and had held the power of life and death over the "new people" from the city forced to relocate in the countryside, were charged with educating the children in youth homes. The results were tragic - no games, no affection, no care, no instruction. Girls were put in road construction teams; smaller children were told to gather firewood. In short, childhood was destroyed.

20. In Afghanistan, orphans from the bombed villages had the least chance of escaping indoctrination. They were educated at the Fatherland Training Centre. Some were among the boys sent to the Soviet Union to join with the Young Pioneers in learning how to be a spy and how to infiltrate the ranks of the Mujahidin.

21. While a number of orphans find refuge with the armies which oppose the attackers of their villages, many orphans are swept up by kidnapping and forced recruitment. Child advocacy organizations would do well to examine how

legal protection can prevent the State from going to the orphanages for under-age soldiers, and how in the war situation the newly created orphans can be spared from serving the enemy.

22. As for rehabilitation, international support has helped to develop medical services, family tracing services and therapy for the mentally disturbed ex-child soldiers; but an examination of the list of warring countries reveals that such services do not exist for the child-soldiers in every country.